

not be summarily denied, and that it will be considered by the Court of Appeals on its merits. *See* Fed. R. App. 21(b)(1) (“The court may deny the petition without an answer. Otherwise, it must order the respondent . . . to answer within a fixed time.”). The order therefore is consistent with Defendants’ view that the petition has at least a substantial possibility of success on appeal. In addition, this afternoon, Plaintiffs filed at the Court of Appeals a motion for extension of time to have until December 22 to file their response brief. Exh. B. Defendants do not consent to that extension request but, in the event it is granted, that extension would obviously delay the date by which the Court of Appeals could rule on the Petition, and concomitantly increase the risk of irreparable harm to the Defendants. Accordingly, the Court should grant the pending motion to stay for these reasons as well as those previously stated. *See* DE 666.

December 9, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 9th day of December, 2014, a true and genuine copy of the foregoing was filed by ECF, which automatically provided service to all ECF counsel of record.

/s/ Laura G. Ferguson
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